

Introduced by Senator Wolk
(Coauthor: Assembly Member Chesbro)

February 15, 2011

An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 340, as introduced, Wolk. Alcoholic beverages: places of consumption.

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverages are acquired, possessed, or used during an event at a community center owned by a community services district and the event is not held at a time when students are attending a public school-sponsored activity at the center.

This bill would expand the exception to also provide that the prohibition does not apply if the alcoholic beverages are acquired, possessed, or used during an event at a community center owned by a city and the event is not held at a time when students are attending a public school-sponsored activity at the center.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25608 of the Business and Professions
- 2 Code is amended to read:

1 25608. (a) Every person who possesses, consumes, sells, gives,
2 or delivers to any other person, any alcoholic beverage in or on
3 any public schoolhouse or any of the grounds of the schoolhouse,
4 is guilty of a misdemeanor. This section does not, however, make
5 it unlawful for any person to acquire, possess, or use any alcoholic
6 beverage in or on any public schoolhouse, or on any grounds of
7 the schoolhouse, if any of the following applies:

8 (1) The alcoholic beverage possessed, consumed, or sold,
9 pursuant to a license obtained under this division, is wine that is
10 produced by a bonded winery owned or operated as part of an
11 instructional program in viticulture and enology.

12 (2) The alcoholic beverage is acquired, possessed, or used in
13 connection with a course of instruction given at the school and the
14 person has been authorized to acquire, possess, or use it by the
15 governing body or other administrative head of the school.

16 (3) The public schoolhouse is surplus school property and the
17 grounds of the schoolhouse are leased to a lessee that is a general
18 law city with a population of less than 50,000, or the public
19 schoolhouse is surplus school property and the grounds of the
20 schoolhouse are located in an unincorporated area and are leased
21 to a lessee that is a civic organization, and the property is to be
22 used for community center purposes and no public school education
23 is to be conducted on the property by either the lessor or the lessee
24 and the property is not being used by persons under the age of 21
25 years for recreational purposes at any time during which alcoholic
26 beverages are being sold or consumed on the premises.

27 (4) The alcoholic beverages are acquired, possessed, or used
28 during events at a college-owned or college-operated veterans
29 stadium with a capacity of over 12,000 people, located in a county
30 with a population of over 6,000,000 people. As used in this
31 paragraph, “events” mean football games sponsored by a college,
32 other than a public community college, or other events sponsored
33 by noncollege groups.

34 (5) The alcoholic beverages are acquired, possessed, or used
35 during an event not sponsored by any college at a performing arts
36 facility built on property owned by a community college district
37 and leased to a nonprofit organization that is a public benefit
38 corporation formed under Part 2 (commencing with Section 5110)
39 of Division 2 of Title 1 of the Corporations Code. As used in this

1 paragraph, “performing arts facility” means an auditorium with
2 more than 300 permanent seats.

3 (6) The alcoholic beverage is wine for sacramental or other
4 religious purposes and is used only during authorized religious
5 services held on or before January 1, 1995.

6 (7) The alcoholic beverages are acquired, possessed, or used
7 during an event at a community center owned by a community
8 services district *or a city*, and the event is not held at a time when
9 students are attending a public school-sponsored activity at the
10 center.

11 (8) The alcoholic beverage is wine that is acquired, possessed,
12 or used during an event sponsored by a community college district
13 or an organization operated for the benefit of the community
14 college district where the college district maintains both an
15 instructional program in viticulture on no less than five acres of
16 land owned by the district and an instructional program in enology,
17 which includes sales and marketing.

18 (9) The alcoholic beverage is acquired, possessed, or used at a
19 professional minor league baseball game conducted at the stadium
20 of a community college located in a county with a population of
21 less than 250,000 inhabitants, and the baseball game is conducted
22 pursuant to a contract between the community college district and
23 a professional sports organization.

24 (10) The alcoholic beverages are acquired, possessed, or used
25 during events at a college-owned or college-operated stadium or
26 other facility. As used in this paragraph, “events” means fundraisers
27 held to benefit a nonprofit corporation that has obtained a license
28 pursuant to this division for the event. “Events” does not include
29 football games or other athletic contests sponsored by any college
30 or public community college. This paragraph shall not apply to
31 any public education facility in which any grade from kindergarten
32 to grade 12, inclusive, is schooled.

33 (11) The alcoholic beverages are possessed, consumed, or sold,
34 pursuant to a license, permit, or authorization obtained under this
35 division, for an event held at an overnight retreat facility owned
36 and operated by a county office of education or a school district
37 at times when pupils are not on the grounds.

38 (12) The grounds of the public schoolhouse on which the
39 alcoholic beverage is acquired, possessed, used, or consumed is
40 property that has been developed and is used for residential

1 facilities or housing that is offered for rent, lease, or sale
2 exclusively to faculty or staff of a public school or community
3 college.

4 (13) The grounds of a public schoolhouse on which the alcoholic
5 beverage is acquired, possessed, used, or consumed is property of
6 a community college that is leased, licensed, or otherwise provided
7 for use as a water conservation demonstration garden and
8 community passive recreation resource by a joint powers agency
9 comprised of public agencies, including the community college,
10 and the event at which the alcoholic beverage is acquired,
11 possessed, used, or consumed is conducted pursuant to a written
12 policy adopted by the governing body of the joint powers agency
13 and no public funds are used for the purchase or provision of the
14 alcoholic beverage.

15 (14) The alcoholic beverage is beer or wine acquired, possessed,
16 used, sold, or consumed only in connection with a course of
17 instruction, sponsored dinner, or meal demonstration given as part
18 of a culinary arts program at a campus of a California community
19 college and the person has been authorized to acquire, possess,
20 use, sell, or consume the beer or wine by the governing body or
21 other administrative head of the school.

22 (15) The alcoholic beverages are possessed, consumed, or sold,
23 pursuant to a license or permit obtained under this division for
24 special events held at the facilities of a public community college,
25 located in a county of the first class, a county of the fourth class,
26 or a county of the tenth class, during the special event. As used in
27 this paragraph, “special event” means festivals, shows, private
28 parties, concerts, theatrical productions, and other events held on
29 the premises of the public community college, pursuant to a license
30 or permit, and for which the principal attendees are members of
31 the general public or invited guests and not students of the public
32 community college.

33 (16) The alcoholic beverages are acquired, possessed, or used
34 during an event at a community college-owned facility in which
35 any grade from kindergarten to grade 12, inclusive, is schooled,
36 if the event is held at a time when students in any grades from
37 kindergarten to grade 12, inclusive, are not present at the facility.
38 As used in this paragraph, “events” include fundraisers held to
39 benefit a nonprofit corporation that has obtained a license pursuant
40 to this division for the event.

1 (b) Any person convicted of a violation of this section shall, in
2 addition to the penalty imposed for the misdemeanor, be barred
3 from having or receiving any privilege of the use of public school
4 property which is accorded by Article 2 (commencing with Section
5 82537) of Chapter 8 of Part 49 of Division 7 of Title 3 the
6 Education Code.

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